



The Nashville Community Review Board Legislative Update on the 12/19/23 Council Meeting

Meeting Preview:

On December 19th, 2023, the Nashville Metropolitan Council will meet for the 6th time during its current four-year cycle. There are two major legislative highlights that the Nashville Community Review Board (NCRB) is focused on for the meeting: RS2023-146 and RS2023-147. RS2023-146 is a resolution that provides the Office of Emergency Management a \$740,450.00 grant to counter domestic terrorism. A portion of the grant allocates \$207,950.00 to the Metro Nashville Police Department (MNPD) to acquire Boston Dynamic's EPO SPOT robot system for the Nashville Bomb Squad. RS2023-147 is a resolution that provides MNPD a \$594,876.00 grant to provide MNPD personal with specialized training to maintain certifications for criminal investigations and crime reduction initiatives. The bills will be heard at Council's Budget and Finance Committee on 12/18/23 at 5:00 PM and Council's Public Health and Safety Committee on 12/19/23 at 4 PM, before being heard by the full Council on 12/19/23 at 6:30 PM. Information regarding the language, sponsors, and legislative history of the bill can be found below.

New Bills:

Homeland Security:

RS2023-146: Homeland Security Grant Program

- **Caption Summary:** A resolution approving a Homeland Security Grant Program application from the State of Tennessee, Tennessee Emergency Management Agency, to the Metropolitan Government, acting by and through the Office of Emergency Management, to fund costs related to enhancing efforts to build, sustain, and deliver the capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism.
- **Grant Amount:** \$740,450.00
- **Original Sponsors:** Delishia Porterfield, Erin Evans
- **Legislative History:**
 - 12/12/23: Metropolitan Council filed.
 - 12/12/23: Referred to the Budget and Finance Committee (12/18/23 at 5:00 PM).
 - 12/12/23: Referred to the Public Health and Safety Committee (12/19/23 at 4:30 PM).

Bill Synopsis

Most notably from the CRB's perspective, on page 103 of the resolution's exhibit there is an intended allocation of \$270,950.00 to MNPD to acquire Boston Dynamic's EOD SPOT robot system to "combat violent extremism." The grant specifies that "few cities have experienced the amount of disruption caused by domestic violence extremist as Nashville has experienced," citing the 2020 Nashville Protest and Courthouse Fire, the 2020 Nashville 2nd Avenue Bombing, and the 2023 Covenant School Shooting. Specifically, SPOT would be used for the Nashville BOMB Squad within the Metro Nashville Police Department to investigate suspicious packages and suspected explosives, gather information, assist with communication, and identify threats from a distance. The resolution would also support the purchase of a handheld spectrometer, atmospheric monitors, pneumatic and electric tools,

portable radio and licenses, and training for the Metropolitan Nashville and Davidson County Community Emergency Response Team.

Next Steps

The bill will be heard at Council's Budget and Finance Committee on 12/13/23 at 5:00 PM and Council's Public Health and Safety Committee on 12/14/23 at 4 PM, before being heard by the full Council on 12/14/23 at 6:30 PM. NCRB has several outstanding questions that Council should consider before committing to this grant:

- Has Council fully considered the impact that implementing Boston Dynamics EP SPOT has had in other cities?
- What cost-benefit analysis has MNPDP or Boston Dynamics presented on SPOT?
- What, if any, are the privacy concerns related to SPOT?
- What policies and procedures will MNPDP have in place to guide the use of SPOT?
- Will SPOT contain weapons of any kind? If no, does it have the capacity to have weaponry?
- What sort of recurring reporting (or other transparency tools) will MNPDP use for SPOT?
- What surveillance tools will be utilized by SPOT?

NCRB is working on an informational report on how police use Artificial Intelligence, Facial Recognition Technology, and Robotics, that will include information on Boston Dynamic's robot system EPO SPOT, so stay tuned for future updates on that report.

External Resources

More information on Boston Dynamic's robot system EOD SPOT can be found [here](#). SPOT has been the subject of various media articles across the cities that have tested it. More information on its media coverage can be found with: LAPD in Los Angeles, CA [here](#) and [here](#); with NYPD in New York City, NY [here](#); and Massachusetts State police [here](#). There is limited academic research on the dogs, but see [here](#) for one article.

Police Training:

RS2023-147: Specialized Training

- **Caption Summary:** A resolution accepting the Edward Byrne Memorial Justice Assistance Grant (JAG) from the Office of Justice Programs to the Metropolitan Government, acting by and through the Metropolitan Nashville Police Department, for specialized training and equipment to ensure personnel maintain needed certifications for criminal investigation and crime reduction initiatives.
- **Grant Amount:** \$594,876.00
- **Original Sponsors:** Delishia Porterfield, Erin Evans
- **Legislative History:**
 - 12/12/23: Metropolitan Council filed.
 - 12/12/23: Referred to the Budget and Finance Committee (12/18/23 at 5:00 PM).
 - 12/12/23: Referred to the Public Health and Safety Committee (12/19/23 at 4:30 PM).

Bill Synopsis

The grant is from the Edward Byrne Memorial JAG Program, which allows local governments to use the grant funding to fund a broad range of activities to prevent and control crime based on their

own local needs and conditions. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the choice of where to place criminal justice funds. The funding from this grant can be used for technology upgrades, supplies for direct support for police, and specialized training. The grant does not allow indirect costs on capital items, which are any items costing over \$10,000.00. The grant comes with a 63-point specification list from the Office for Civil Rights (OCR), the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) on what the funds can and cannot be used for.

The grant also includes a detailed breakdown on what MNPD would use the grant funding for. The bulk of the funding will go into training and travel funds. Training funding will go towards digital forensic training, virtual crash training for law enforcement, airbus recurrent pilot training, crime prevention and environmental design, introduction to human trafficking, and Wicklander-Zulawski interview techniques. Travel funds include sending officers to the CALEA conference, the Crimes Against Children Conference, the International Conference on Sexual Assault and Domestic Violence, IACP's Officer Safety and Wellness Symposium, and the International Association of Crime Analysis Conference. A portion of the grant funding will also go toward equipment. General equipment from the grant funding includes forensic laptops, wireless surveillance cameras, first aid kits, unitality tailers, and pole cameras. Training equipment includes weight racks, benches, and treadmills.

Next Steps

The bill will be heard at Council's Budget and Finance Committee on 12/13/23 at 5:00 PM and Council's Public Health and Safety Committee on 12/14/23 at 4 PM, before being heard by the full Council on 12/14/23 at 6:30 PM.

External Resources

More information on the Wicklander-Zulawski interview techniques can be found [here](#). More information on the various conferences MNPD would be attending can be found here: [CALEA](#), [the Crimes Against Children Conference](#), [the International Conference on Sexual Assault and Domestic Violence](#), [the IACP's Officer Safety and Wellness Symposium](#), and [the International Association of Crime Analysis Conference](#).

Previously Monitored Bills:

Tasers:

BL2023-113: Axon Contract

- **Caption Summary:** An ordinance approving Amendment Number 1 to Contract number 6488663 between the Metropolitan Government of Nashville and Davidson County ("Metro") and Axon Enterprise, Inc., to add an optional renewal term of up to 120 months and to increase the value of the contract.
- **Cost:** \$24,805,200.00 (an increase of \$18,305,200.00)
- **Original Sponsors:** Councilmembers (CMs) Delishia Porterfield, Erin Evans, Courtney Johnston
 - Substitute Ordinance was proposed by Kyonzté Toombs
- **Legislative History:**
 - 11/14/23: Metropolitan Council filed
 - 11/21/23: Metropolitan Council referred to the Budget and Finance Committee
 - 11/21/23: Metropolitan Council referred to the Public Health and Safety Committee

- 11/21/23: Metropolitan Council passed on first reading
- 12/4/23: A [Substitute Ordinance](#) was proposed by CM Toombs requiring quarterly reporting of: the number of taser deployments, the average number of taser cartridges used per incident, the number of times a firearm was used by MNPd officers in addition to a taser deployment, and a summary of incidents where an individual subject to the taser deployment suffered an injury directly related to the taser deployment.
- 12/4/23: Budget & Finance Committee recommended the substitute bill by a 9-4 vote.
- 12/5/23: A [Late Amendment](#) was proposed by Councilmember Porterfield adding additional reporting parameters to the quarterly reporting metrics added in the Substitute Ordinance. The additional reporting parameters include the demographic information (age, gender, ethnicity) of the individuals a Taser was used on, the age for children under the age of 18 who had Tasers used on them, and the de-escalation techniques used by MNPd officers prior to a Taser being used.
- 12/5/23: The Public Health and Safety Committee voted to disapprove the substituted and amended bill by a vote of 3-8-1.
- 12/5/23: Metropolitan Council failed the substituted and amended bill on second reading by a vote of 14-24-1.

Bill Synopsis

On 2/1/22, Council approved [RS2022-1365](#), a sole source contract with Axon to provide MNPd with Taser 7s, cartridges, and accessories. MNPd officers have received approximately 1,400 Tasers from this contract at a \$6.5 million price point. BL2023-113 amends this contract with Axon by adding an additional \$18.3 million to the original \$6.5 million contract, making the amended contract \$24.8 million (an increase of 281.54%), and by extending it another five years with an option to renew. The goal of the amendment is to replace MNPd's current tasers, the Taser 7, with the Taser 10, Axon's latest model. The Taser 10 advertises a longer effective range (45 feet v. 25 feet), increased cartridge capacity (10 cartridges v. 2), and individually targeted/energized probes. The proposed funds would cover the technology itself, supplemental equipment, training, virtual reality gear, and more.

A substitute bill (sponsored by CM Toombs) was introduced and passed through the Budget and Finance Committee. The substitute added an amendment stipulating that MNPd must provide monthly tracking reports across four categories: taser discharges, number of taser cartridges used, situations in which a firearm was used in addition to a taser, an incident report documenting any injuries as the result of tasers. CM Porterfield also introduced a late-filed amendment to add the demographics of the individuals tasers were used on to the tracking reports.

There was substantive debate regarding the budgetary impact of the amendment at Council's Budget and Finance Committee on 12/4/23. A threefold explanation was given by MNPd and Axon representatives to explain the nearly 300% price increase. Firstly, they explained that the contract length extends from five years to ten years, and thus is effectively two back-to-back five-year contracts for the purpose of comparing pricing to the original. Effectively, the new contract is two \$12.4 million five-year contracts compared to the original five-year \$6.5 million contract, which amounts to an increase of 190.77% per five-year period. Secondly, MNPd wants to increase the number of Tasers they have from 1,400 to 1,658. Thirdly, the Taser 10s are more expensive, with cost increasing from the Taser 7 (\$70 per user per month) to the Taser 10 (\$91.88 per user per month), an increase of \$21.88 per user per month. These three factors contribute to the \$18.3 million price increase. Comparison of line-item

changes for the two contracts also revealed increased cost of individual components such as handles and VR headsets. The substituted bill was passed by a vote of 9-4.

The bill was heard again at Council's Public Health and Safety Committee on 12/5/23, where there was further debate regarding the costs and benefits of this legislation, the effectiveness of the technology, and the timing of the bill. A Late Amendment was also proposed by Councilmember Porterfield to add additional reporting parameters to the substitute bill, including the demographic information (age, gender, ethnicity) of the individuals a Taser was used on, the exact age for children under the age of 18 who had Tasers used on them, and the de-escalation techniques used by MNPd officers prior to a Taser being used. The Late Amendment was approved, but the substituted and amended bill was disapproved by a vote of 3-8-1. The bill was finally heard by the full Council at its 12/5/23 meeting. After debate on the legislation revolving around alternative uses for budgetary funding, the timing of the legislation, and the costs and benefits of the new technology, the substituted and amended bill failed by a vote of 14-24-1. Despite the fact that the legislation did not pass, Axon is still required to support the Taser 7 until the end of the five-year contract.

Next Steps and External Resources

The NCRB is incorporating conducted energy weapon use, which tasers fall into, into their Use of Force report. Please stay tuned for more updates on that report.

Some literature on Axon's Taser products that the company compiled can be found [here](#). MNPd and Axon's 2022 contract can be found [here](#). The COB's draft report on MNPd's Use of Force can be found [here](#). More information on MNPd's acquisition of Taser 7s in 2022 can be found [here](#) and [here](#).